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# Rape and abuse of women in the areas of armed conflict in the former Yugoslavia

## Report of the Secretary-General

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# I. INTRODUCTION

1. At its forty-ninth session, the General Assembly adopted resolution 49/205 dated 23 December 1994 entitled "Rape and abuse of women in the areas of armed conflict in the former Yugoslavia", in which it strongly condemned the continuing abhorrent practice of rape and abuse of women and children in the former Yugoslavia. It demanded that those involved cease those outrageous acts and urged all Member States to take action to end those practices.

2. In that resolution the Assembly placed great importance on the continuing investigation and prosecution of those criminal acts. It reaffirmed that all persons who perpetrated or authorized crimes against humanity or other violations of international humanitarian law were individually responsible for those violations and urged Member States to exert every effort to bring such individuals to justice; encouraged the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia to continue to pay attention to the widespread occurrence of rape; encouraged the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 to give due priority to the cases of the victims of rape; urged the Chief Prosecutor of the International Tribunal to consider the appointment to his office of experts in crimes of sexual violence; and called upon States to put such experts at the disposal of the Tribunal, and to cooperate in the investigation and prosecution of persons accused of using rape as a weapon of war and in the provision of support to victims.

3. The Assembly recognized the extraordinary suffering of such victims, and expressed its concern, in particular, for the welfare of those who were among the internally displaced or otherwise affected by the war. It urged all States and relevant intergovernmental and non-governmental organizations to continue to provide to the victims of such rape and abuse appropriate assistance for their physical and mental rehabilitation.

4. In conclusion, the Assembly requested the Secretary-General to submit an updated and substantive report on the issue of rape and abuse of women in the areas of armed conflict in Bosnia and Herzegovina, and on the measures taken towards implementation of the resolution. The present report is submitted in accordance with that request. Extensive efforts have been made to liaise with a variety of actors in the international community in order to ensure the incorporation in the report of as much substantive information as possible. Delays in the receipt of such information from important sources, particularly from organizations operating at ground level, precluded the issuing of the present report by the date of 1 March 1995 set by the Assembly in resolution 49/205.

## II. RESPONSE OF THE UNITED NATIONS SYSTEM

### A. Commission of Experts

5. The Commission of Experts was established pursuant to Security Council resolution 780 (1992), to examine and analyse information in order to provide the Secretary-General with its conclusions on the evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia. It carried out its work between November 1992 and April 1994 and during this period held 12 sessions, conducted a series of studies and on-site investigations, established a database of all reported breaches, and submitted two interim reports. The final report was transmitted to the Security Council in December 1994. In it the Commission surveyed its work since its inception, its mandate, structure and working methods. It also gave its views on selected legal issues and made substantive findings on alleged crimes of "ethnic cleansing", genocide, rape and sexual assault.

6. The issue of rape and abuse in the former Yugoslavia was a major plank of the Commission's work and this is reflected in the final report. The Commission considered the law applicable to such crimes and concluded that:

> "There is no doubt about the prohibition of rape and sexual assault in the Geneva Conventions and other applicable sources of international humanitarian law. Furthermore, the Commission finds that the relevant provisions of the statute of the International Tribunal adequately and correctly state the applicable law to this crime." 1/

7. The Commission made substantive findings on the subject of rape and other forms of sexual assault after undertaking extensive research and investigation to ascertain the facts concerning these allegations. The Commission particularly sought to examine the relationship between "ethnic cleansing" and rape and other forms of sexual assault. It noted the great difficulty of making any general assessment of the actual numbers of rape victims, given the social stigma attached to that experience, and the added reluctance of reporting such crimes in wartime for fear of reprisals. It also drew attention to the hidden plight of male victims of sexual assault.

8. The three methods of investigation used by the Commission were the analysis of information contained in the Commission database; a pilot study on rape; and a field investigation involving the interviewing of victims and witnesses. The analysis of reports contained in the Commission database provided identification of close to 800 victims by name or number and 600 alleged perpetrators by name. The database contained additional information on further unidentified victims and perpetrators. The ages of the victims ranged from 5 to 81 years, and about 80 per cent of the cases were reported to have occurred in custodial settings. The cases reported in the database occurred between autumn 1991 and the end of 1993, with the majority occurring between April and November 1992.

9. The Commission conducted a pilot study on rape which involved an investigative mission to Sarajevo from 29 June to 9 July 1993. The objective of this mission was to review available information and develop a methodology for

interviewing witnesses and victims in order to determine how relevant evidence could be obtained for use before a tribunal. The team obtained relevant information from the War Crimes Commission of Bosnia and Herzegovina. The Commission of Experts took the view that the pilot study was relatively generalized. Although it assessed various information sources, it had not been able to gather precise information that could lead to prima facie cases.

10. The Commission undertook a major field investigation in the region involving teams of female lawyers and mental health specialists who carried out a series of interviews in Croatia and Slovenia in March 1994. Altogether, 223 interviews were conducted, with 146 victims and witnesses from Bosnia and Herzegovina and 77 from Croatia. All information was to be made available to the Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia.

11. The Commission was able to make a preliminary analysis on the basis of the information gathered. It identified five patterns in the commission of these crimes: sexual assaults committed in conjunction with looting and intimidation of the target ethnic group before widespread fighting broke out; sexual assaults committed in conjunction with fighting in an area; sexual assaults on people in detention; sexual assaults for the purpose of instilling terror, often as part of the policy of "ethnic cleansing"; and the detention of women purely for the purpose of providing sexual entertainment for soldiers.

12. The Commission noted various common features of the sexual assaults. The rapes appeared to occur in conjunction with efforts to displace targeted ethnic groups from the region. It was reported that perpetrators would hold their victims in custody until it was too late for an abortion, thus forcing the victims to bear children of the perpetrator's ethnicity. Large groups of perpetrators subjected victims to multiple rape; some victims were abused with foreign objects and the castration of male victims was reported. Rape was reported to have been committed by all sides, but the largest number of reported victims were Bosnian Muslims and the largest number of alleged perpetrators were Bosnian Serbs.

13. In its final report, the Commission of Experts presents its conclusions and recommendations. On the subject of rape and sexual assaults it concluded the following:

> "The practices of 'ethnic cleansing' ..., sexual assault and rape ... have been carried out by some of the parties so systematically that they strongly appear to be the product of a policy. The consistent failure to prevent the commission of such crimes and the consistent failure to prosecute and punish the perpetrators of these crimes, clearly evidences the existence of a policy by omission. The consequence of this conclusion is that command responsibility can be established". 2/

## B. Commission on Human Rights

### 1. Resolutions

14. The Commission on Human Rights expressed its profound concern for raped and abused women in the former Yugoslavia during its sessions in 1994 and 1995. At its fiftieth session in 1994, the Commission referred to this matter in its resolutions 1994/72 and 1994/75 on violations of human rights in the territory of the former Yugoslavia, and in resolution 1994/77 on the rape and abuse of women in former Yugoslavia. At its fifty-first session, in 1995, the Commission again expressed its concern in resolution 1995/89, by renewing its expression of outrage at the systematic practice of rape as a weapon of war against women and children and as an instrument of "ethnic cleansing", and by again recognizing that rape in these circumstances constituted a war crime.

### 2. Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia

15. The issue of the rape and abuse of women in the territory of the former Yugoslavia remains of serious concern to the Special Rapporteur, and information gathering by his field staff in the region continues. In the course of 1994 and early 1995, sporadic reports of rape as an instrument of war continued to be received by the Special Rapporteur, but the scale of such incidents has diminished since the peak of such reporting in 1992 and 1993.

16. In March 1994, the Special Rapporteur reported incidents of rape by groups of soldiers in the course of the Bosnian Serb offensive on Gorazde. 3/ Throughout March 1994, international sources reported rape and other forms of sexual abuse on an almost daily basis in the city of Banja Luka and outlying towns such as Vrbanje. Typical of such reports is one from June 1994 describing how adult female members of a Muslim family were sexually abused by a number of their Bosnian Serb neighbours, forcing the family to flee. 4/ In the course of the displacement of some 4,700 non-Serbs from Bijeljina and Janja regions to Government-controlled territory between mid-June and 17 September 1994, many reports were received that Bosnian Serbs supervising the displacement were committing physical abuse, including rape. 5/ The conclusion reached by the Special Rapporteur on that displacement was that Muslims, Bosnian Croats and Roma had all suffered killings, violence, including rape, theft of property and loss of jobs. 6/

17. In his reports during 1995, the Special Rapporteur of the Commission on Human Rights referred to allegations of rape and sexual assault. In considering violations on the territory of Bosnia and Herzegovina by forces of the so-called "Republic of Serb Krajina" and of the so-called "Autonomous Province of Western Bosnia", he reported allegations, not yet verified, of the possible existence of detention facilities near Velika Kladusa, including one that housed Muslim women who were subjected to regular sexual abuse. 7/ The report of the Secretary-General on the situation of human rights in Bosnia and Herzegovina gave due consideration to the final report of the Commission of Experts and presented a summary of the findings on the issue of rape and sexual assault. 8/ In the Special Rapporteur's report on the persecution of non-Serbs in the region of Banja Luka, reference is made to the threat of rape by a group of attackers. 9/

3. Special Rapporteur on violence against women

18. At its fiftieth session on 4 March 1994, the Commission on Human Rights adopted resolution 1994/45, in which it decided to appoint, for a three-year period, a special rapporteur on violence against women and invited the Special Rapporteur to seek and receive information, to recommend measures and to work closely with other special rapporteurs. The mandate included the following: all violations of human rights of women in situations of armed conflict, and in particular murder, systematic rape, sexual slavery and forced pregnancy; all forms of sexual harassment, exploitation and trafficking in women; the elimination of gender bias in the administration of justice; and the eradication of harmful effects of certain traditional or customary practices, cultural prejudice and religious extremism.

19. The Secretary-General sent a note verbale to Governments on 29 July 1994 conveying the Special Rapporteur's request for information. Slovenia and the Federal Republic of Yugoslavia (Serbia and Montenegro) were among those States which replied to the request and it is hoped that replies received from Governments will form an important basis of the main report of the Special Rapporteur. The preliminary report of the Special Rapporteur, 10/ was based on information from other sources; it was issued on 22 November 1994 and focused on the causes and consequences of violence against women and the question of international legal standards. The report considered violence in the family, in the community and by the State. In the latter context, the report addressed violence against women in situations of armed conflict, taking the former Yugoslavia and the work of the Commission of Experts and the International Tribunal for the former Yugoslavia as an example in this regard.

4. Other organs of the Commission on Human Rights

20. The Working Group on Contemporary Forms of Slavery remains interested in issues of sexual exploitation and enforced prostitution in the territory of the former Yugoslavia. General information was submitted by the Federal Republic of Yugoslavia (Serbia and Montenegro) to the Working Group at its twentieth session in April 1995. 11/ A late submission from the Government of Bosnia and Herzegovina will be submitted for consideration at the twenty-first session of the Working Group, in 1996. The Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography also welcomes any information on the sexual exploitation of children in the territory of the former Yugoslavia.

C. Committee on the Elimination of Discrimination against Women

21. At its twelfth session, held at Vienna from 18 January to 5 February 1993, the Committee on the Elimination of Discrimination against Women (CEDAW) requested the States of the territory of the former Yugoslavia to submit a report on an exceptional basis with respect to the situation of women now coming under their jurisdiction. Both the Federal Republic of Yugoslavia (Serbia and Montenegro) and Croatia responded to this request and, as indicated below, their replies are particularly instructive as to what steps are being taken to rehabilitate women who have been raped and abused in the context of the war in that region.

22. The Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) submitted a report to the Committee at its thirteenth session, from 17 January to 4 February 1994. 12/ The report described the Government's approach both to the collection of data concerning incidents of rape and to the physical and mental rehabilitation of the victims. The State Commission for War Crimes and Crimes of Genocide and the Inter-departmental Group of the Government, helped by non-governmental organizations (NGOs), has been responsible for collecting information on the victims of these crimes.

23. The Commission for Monitoring the Sexual Abuse of Women, Children and Men in Conditions of War was set up within the Federal Ministry of Labour, Health and Social Policy in order to help to rehabilitate victims of sexual abuse from war-torn areas who had found harbour as refugees in the Federal Republic of Yugoslavia (Serbia and Montenegro). The Commission is composed of experts, gynaecologists, psychiatrists and psychologists and works closely with some NGOs. It has collected evidence on sexual abuse by means of questionnaires and the information gathered was to be presented to the Security Council's Commission of Experts. The Commission cooperates with the S.O.S telephone service, which exists for women victims of violence in general. In December 1992 a group for women raped during the war was set up within this call service with the help of NGOs from Switzerland. This group has also set up a centre for raped women that assists in the rehabilitation of victims and collects evidence on women raped during the war and in other situations.

24. The Government of Croatia submitted a report to the Committee at its fourteenth session held from 16 January to 3 February 1995. 13/ The report reiterates general safeguards protecting the rights of women as contained in the Constitution. A major part of the report then focuses on the mass rape of women during the conflict in the territory of the former Yugoslavia. Various statistics are given and a commentary is provided regarding the types of victims, the nature of the attacks, the consequences suffered and the difficulties of obtaining systematic reports.

25. The report states that the following actions have been taken by the Government in order to address the problem: the adoption of a programme of protection and help for all victims of torture and other forms of maltreatment; basic action to provide long-term support and protection for victims of rape; and basic principles for the protection of and help for those women whose pregnancy is a result of rape, with adoption as one of those forms of help. The report states that the support of victims of rape is one of the greatest humanitarian problems facing Croatia and the goal of the Government is to provide medical and psycho-social support to these victims. Annexed to the report are detailed testimonies and descriptions of characteristic cases.

D. International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia

26. The International Criminal Tribunal for the former Yugoslavia was established by the Security Council in its resolution 808 (1993) and is governed by the Tribunal's statute set forth in the Secretary-General's report of May 1993. It is mandated to prosecute serious violations of humanitarian law occurring in the former Yugoslavia since January 1991. Sexual assaults, including rape, constitute acts that form the basis for criminal prosecution under articles 2 to 5 of the Tribunal's statute.

27. The Office of the Prosecutor is currently undertaking investigations into serious violations of humanitarian law committed in the former Yugoslavia, specifically sexual assaults. Investigations cover sexual assaults perpetrated against women, men or minors during military takeovers in detention centres, camps and brothels.

28. As at May 1995, the Tribunal has issued three indictments alleging serious violations of international humanitarian law. Two of the indictments charge sexual assaults. Direct perpetrators and those liable through the doctrine of command responsibility, have been named in these indictments.

29. On the request of the Office of the Prosecutor, the Tribunal has granted three applications for deferral of investigations or criminal proceedings instituted in national courts, in accordance with rule 9 of the Tribunal's rules of procedure and evidence. The first of these applications was for deferral of criminal proceedings from the German national court: the other two deferrals were granted for investigations undertaken by the Government of Bosnia and Herzegovina that coincided with investigations of the Office of the Prosecutor. Allegations of sexual assaults are among those crimes which will be tried or investigated based upon the deferrals.

30. The General Assembly, in resolution 49/205, in which it requested the present report, stressed the need to protect victims and witnesses in such cases. The Office of the Prosecutor, in accordance with article 22 of the Tribunal's statute, is concerned with protecting the identity of victims of sexual assault for reasons of safety and privacy. A pretrial motion to prevent public disclosure of information that would identify witnesses had been filed by the Office of the Prosecutor for the first trial, which is currently in session. The Victims and Witnesses Unit is a department of the Office of the Registrar and is mandated to provide support to victims and witnesses. The Office of the Prosecutor has conveyed to the Unit the importance which is to be placed on ensuring protection, safety, privacy, and the counselling needs of prosecution witnesses, particularly those who have been subjected to sexual assaults.

31. General Assembly resolution 49/205 called upon States to put experts in the prosecution of crimes of sexual violence at the disposal of the Tribunal. It should be noted that the staff of the Office of the Prosecutor comprises lawyers and investigators with experience in the prosecution and investigation of sexual assault. A legal adviser for gender-related crimes reports directly to the

Deputy Prosecutor and to the Prosecutor. The recruitment guidelines of the Office of the Prosecutor call for the employment of qualified women candidates at each level of operation and for the creation of a gender-balanced staff. States Members of the United Nations have been requested to submit the names of women candidates for secondment to the Office of the Prosecutor.

## E. United Nations Children's Fund

32. In 1994, in the territory of the former Yugoslavia, the United Nations Children's Fund (UNICEF) designed a rehabilitation and long-term development strategy for children, in addition to providing an emergency response to the crisis. The goal of UNICEF is to decrease the immediate effects of war on children and women, and to prevent longer-term consequences on their development. Its programmes focus on health, nutrition, basic education, active learning, water supply and psycho-social work with children traumatized by war.

33. UNICEF psycho-social programmes are being implemented in Croatia, Bosnia and Herzegovina, the Federal Republic of Yugoslavia (Serbia and Montenegro) and the former Yugoslav Republic of Macedonia. Psycho-social assistance in Bosnia and Herzegovina is particularly directed towards the victims of rape and sexual abuse. UNICEF recognizes that many girls and women have been sexually abused and its goal is to work with local professionals and institutions to help to reduce the symptoms of trauma in these groups. This is one of the priority areas in which the Government and local authorities have asked for UNICEF assistance. UNICEF has focused on developing specialized training programmes and manuals, such as a trairing programme for professionals from central Bosnia, Mostar and Sarajevo. A pilot project for traumatized women at Tuzla was started with the help of NGOs and a women's centre was opened in this context, offering psychological support. A major obstacle to project activity in this area is the difficulty that girls and women experience in talking about their problems.

## F. Office of the United Nations High Commissioner for Refugees

34. The Office of the United Nations High Commissioner for Refugees (UNHCR) has an extensive social services network in the territory of the former Yugoslavia that is geared towards meeting the needs of refugees and displaced persons affected by the conflict. It has adopted a community-based approach whereby UNHCR financed projects are managed by non-governmental organizations. These projects are directed towards a general group of beneficiaries and mainly provide for care, counselling and occupational training. Raped and abused women are users of UNHCR social services projects, but they are not targeted specifically so as to avoid unsolicited attention. UNHCR staff have generally found that the best way to reach such victims is by adopting a discreet approach.

35. The main UNHCR community projects in Bosnia and Herzegovina in 1994 were implemented by the following non-governmental organizations. Corridor, a local NGO, was active in Sarajevo. Marie Stopes International (United Kingdom) implemented projects at Bihac, Mostar, Sarajevo and western Herzegovina aimed at supporting 30 women's centres. The projects encompassed social and educational

activities as well as psychological counselling to enhance women's self-esteem and their ability to cope with the situation. Some group-counselling sessions were also arranged, a few of which were conceived for special categories such as ex-detainees and molested women. UNHCR projects at Tuzla and Zenica were carried out by Norwegian People's Aid. OXFAM was also operative at Tuzla. Two further local NGOs, Zena 21 and Ruhama, were being funded by UNHCR in 1995. The UNHCR budget for community services in Bosnia and Herzegovina has recently been reduced from $2.7 to $2.4 million because of the shortfall in the response to an inter-agency appeal.

36. In the Federal Republic of Yugoslavia (Serbia and Montenegro), UNHCR operates through six NGOs; the main ones concerned with refugee mental health and/or women's issues are the Institute of Mental Health and Japan Emergency NGOs. The UNHCR social services network in Croatia consists of 19 NGOs. Of particular note in the context of the present report is the "Children's House", a project for mothers, and a psycho-social project at Prvic operated by Care Canada. In both projects the aim is to assist rape victims, as well as victims of the war in general. At the largest refugee camp in Croatia, Gasinci, UNHCR has a counselling project in cooperation with the Croatian Psychiatric Association. The UNHCR community service budget for 1995 in Croatia stands at $4 million. United Nations Volunteers (UNVs) have also played a role in working with raped and abused women on behalf of UNHCR.

37. Statistics of UNHCR referrals to third countries for the resettlement of raped and abused women are not readily accessible. However, the UNHCR office at Zagreb agreed to conduct a mini-study of their resettlement files for the sole purpose of the present report. The information gathered does not constitute a scientific sample and it is not possible to draw any generalized conclusions from it. The data were obtained from 116 resettlement files of female victims of sexual violence that were submitted to third countries between April 1992 and March 1994. These cases do not in any way constitute the totality as there may have been a number of reasons why many other cases did not come to light, such as the departure of victims to third countries on their own initiative, the general reluctance of victims to report such experiences, etc. A survey of the files provided the following breakdown of resettlement countries and the number of victims: United States of America, 47; Denmark, 26; Sweden, 20; Norway, 8; United Kingdom of Great Britain and Northern Ireland, 6; Switzerland, 3; Germany, 2; Austria, 1; France, 1; Italy, 1; and Netherlands, 1. It must be stressed again that given the absence of a proper cluster survey it is not possible to arrive at any global conclusions as a result of these data.

38. Another important initiative that was undertaken by UNHCR in the field of sexual violence is the publication in 1995 of a document entitled "Sexual violence against refugees - Guidelines on prevention and response". These guidelines are a response to the global problem of sexual violence against refugees and have been in the process of formulation since 1992. They are designed to help the international community and workers understand how sexual violence can be prevented and what can be done if it occurs. They describe typical situations where rape and sexual abuse may take place and then proceed with an in-depth analysis of causes of sexual violence, ranging from the use of rape as a weapon of war and "ethnic cleansing" to practical camp design and location factors which may increase the likelihood of rape. The guidelines

suggest numerous preventive measures that may be taken such as practical improvements in camp organization, location and design; human resources management measures including the hiring of more female staff; measures aimed at encouraging the host Government to take effective legal and other action; and preventive measures involving education and training. The guidelines conclude with a detailed list of medical, psycho-social and legal steps that must be taken when responding to such situations. These guidelines were issued in early 1995 and have been widely disseminated throughout UNHCR field offices and other organizations. Given the relevance of this issue to the territory of former Yugoslavia, it will be important to observe how the guidelines are implemented there.

## G. United Nations Educational, Scientific and Cultural Organization

39. At its twenty-seventh session, the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) adopted resolution 11.1, in which it invited the Director-General to continue a study initiated by the Executive Board under Decision 141 EX/9.3 on "The use of rape as a tool of war - its causes and consequences". It further requested that, in view of the situation in Bosnia and Herzegovina, the focus of the study be on a rehabilitation plan, to be prepared in cooperation with the World Health Organization (WHO) and UNICEF, for Bosnian women who have been victims of systematic rape as well as for their children.

40. To this end, consultations took place with authorities responsible for refugees, UNICEF and representatives of NGOs. In June 1994 a working group was convened at UNESCO headquarters, which was attended by a range of experts including lawyers, psychotherapists, historians and anthropologists from the former Yugoslavia and France, as well as observers from permanent delegations and NGOs.

41. The discussions in the working group substantially contributed to a preliminary report on the subject of rape as a tool of war. This wide-ranging report began by considering pertinent legal provisions, it then focused on the historical and cultural roots of the conflict and finally considered in-depth, the psychological impact on the victim and consequences on the family and community.

42. The main aim of the report is to identify what action may be taken by the international community, and in particular by UNESCO, to help to alleviate this problem, and several recommendations are made in this respect. The report notes that the usual reaction of the community at large is to recoil from such incidents and advocates that public and official recognition be given of the suffering of the victims. It recommends the creation of a memorial or documentation centre as a testimonial to this suffering. The report also upholds the paramount duty of the international community to ensure that legal action is taken to prosecute these crimes.

43. In terms of the mandate of UNESCO, the study recommends that a programme of action for peace be undertaken in the region with the main objective of restoring community links and carrying out pedagogic work on subjects such as

citizenship, history and the place of women in society, with a focus on crimes of sexual violence. The study recommends that assistance programmes for such victims be carefully orchestrated that does not stigmatize such women; it also cites cooperation between UNESCO and the Croatian Ministry for Health concerning the production of sensitive written materials. The report then highlights the need for training programmes for professionals in this field and suggests a role for UNESCO in facilitating the exchange of information and experience. It also advocates that educational programmes for children be mindful of these issues and recommends priority action in the form of a training programme for teenage girls.

44. UNESCO submitted the report to the Committee on the Elimination of Discrimination against Women at its fourteenth session held in February 1995. 14/ It also intends to transmit this report to the International Tribunal and will present it to the United Nations Fourth World Conference for Women in Beijing in September 1995.

## H. World Health Organization

45. WHO addressed issues of rape and sexual abuse in the context of its programme for psycho-social rehabilitation and mental health in the former Yugoslavia. These activities were organized under the Rehabilitation of War Victims Project, Mental Health Unit based at the WHO office at Zagreb. The strategy of the Mental Health Unit was to work through and in cooperation with government health authorities and existing health care facilities. Projects are organized after local facilities have been taken into account. WHO estimates that in terms of the most severe cases alone, more than 1 million people in the territory of the former Yugoslavia are in need of professional help, and noted that individuals who have experienced primary trauma such as rape were amongst the most vulnerable groups.

46. One of the main priorities of the Rehabilitation of War Victims Project which directly affects victims of rape and sexual abuse is the provision of support to sexually violated men. In late 1994, WHO began funding and supervising a project which offers psycho-social rehabilitation to men traumatized through sexual violation, most of them during periods of confinement as detainees. A telephone hotline was established in Croatia in November 1994, and through the systematic collection of data and group treatment a model for support to the group was developed. If further funding can be raised, similar programmes could appropriately be set up in other regions.

47. Among other WHO activities related to problems of sexual violence was the training of local professionals to take care of victims of sexual violence as part of the WHO Regional Model for Health. A regional model is a coordinated set of activities in the mental health field in a certain geographic area, each programme consists of training in post traumatic therapy and in assisting victims of sexual violence. WHO has also offered supervision to professionals working within the NGO community and a special advisory facility has been offered to the International Tribunal. WHO has also been active in promoting media coverage regarding these issues and in producing scientific publications.

## III. RESPONSE OF NON-UNITED NATIONS ACTORS

### A. European Community Task Force

48. The European Community Task Force was established in October 1992 as the implementing arm of the European Community Humanitarian Office in its projects in the former Yugoslavia. The tasks of the Task Force are to coordinate food, medical and hygiene aid; arrangements concerning infrastructure and logistics; and activities in the psycho-social field.

49. The psycho-social assistance activities of the Task Force are of particular relevance to raped and abused women, who are recognized by the Task Force as one of the most vulnerable categories. As of December 1994, the European Community Humanitarian Office is funding 22 international psycho-social NGOs. In Bosnia and Herzegovina there are programmes for traumatized children and women in the regions of Bihac and western Herzegovina and in the towns of Sarajevo, Mostar and Tuzla. In Croatia, projects for victims of war are being implemented in the regions of Slavonia and Zagreb and on the southern Dalmatian coast.

50. Activities under these projects include the establishment of women's centres, the organization of self-help support groups, counselling and psychotherapy for individuals, and a refugee telephone line. As part of its coordination activities, the Task Force has prepared a database of psycho-social projects in Bosnia and Herzegovina, Croatia and Slovenia. It has recently produced a publication entitled "Theory and Practice of Psycho-social Projects under War Conditions in Bosnia-Herzegovina and Croatia". This book contains details of 185 psycho-social projects implemented by 117 organizations. The Task Force also organized a conference on the "Psycho-social care of traumatized women and children - Need for new methods and aims?" The conference was held at Zagreb in April 1994 and brought together 80 participants from 40 different organizations. The objective of the conference was to summarize and exchange experiences of practitioners in this field.

### B. International Committee of the Red Cross

51. The International Committee of the Red Cross (ICRC) activities are aimed at providing protection and assistance to people caught in situations of armed conflict. The work of ICRC is confined to the provision of emergency aid to ensure that victims survive the immediate effects of war; it does not extend to rehabilitation, reconstruction or development once the conflict is over. In the context of the former Yugoslavia, ICRC has set up programmes providing hospitals with surgical supplies and basic medicines for chronic illnesses but it is not involved in psychological treatment programmes, whether for rape victims or otherwise.

52. In addition to providing protection and assistance to victims of armed conflicts, ICRC has a mandate to remind the parties concerned of their obligation to comply with the rules of international humanitarian law. The act of rape constitutes an extremely serious violation of international humanitarian law, and breaches several articles of the Geneva Conventions. However, ICRC has pointed out that it can in no circumstances be regarded as a commission of

inquiry as it wishes to safeguard direct access to victims in order to continue its work in their favour.

53. Since the beginning of the conflict in the former Yugoslavia, ICRC has repeatedly called on all parties to comply with international humanitarian law, particularly those provisions pertaining to the treatment of prisoners and civilians. The main priority of ICRC is to ensure greater respect for human rights for the entire population and to guarantee the right to humanitarian assistance. With regard to the conflict in Bosnia and Herzegovina, an agreement was reached at Geneva on 22 May 1992 under ICRC auspices, whereby the parties undertook to comply with some provisions of the Fourth Geneva Convention. In particular, the parties undertook a commitment to comply with common article 3 of the four Geneva Conventions, which prohibits, among other things, violence to life and person, cruel treatment and torture and outrages upon personal dignity. This provision is understood to cover acts of rape and sexual abuse.

54. In terms of the incidence of rape in Bosnia and Herzegovina, ICRC staff have expressed their great distress at accounts of rape in the international media although very few such cases were reported to ICRC staff directly. This may reflect the general underreporting of such crimes owing to the stigma attached to them and possibly also to fear of reprisals whilst the victims remain in the territory of Bosnia and Herzegovina.

### C. International Federation of Red Cross and Red Crescent Societies

55. At the present time the International Federation of Red Cross and Red Crescent Societies reaches some 835,000 beneficiaries in the territory of the former Yugoslavia through its relief and social assistance activities. These activities encompass a comprehensive social welfare programme which is carried out by local Red Cross societies in the republics with the support of the International Federation. This programme provides psychological and social assistance to victims of war and includes counselling support to victims or witnesses of rape, torture, violence and the general traumatic effects of war. Provision of support for raped and abused women falls within the general framework of the social welfare programme and, although statistics are not available, they are clearly beneficiaries of the International Federation's activities.

56. By March 1995 the social welfare programme was operative in all the republics except Bosnia and Herzegovina. By far the largest programme was in Croatia where some 53,000 beneficiaries were catered for by 130 local staff and 3 delegates. The appeal for the 1995 social welfare programme was for over 4.5 million Swiss francs. The International Federation plans to end the social welfare programme in Croatia in November 1995, whilst continuing the programmes in the other republics.

D. Other governmental and non-governmental activities

57. This section contains a brief review of the extensive activities undertaken by NGOs, both local and international, usually with the support of government funding. Mention has already been made of many NGOS working under the auspices of UNHCR and with UNHCR funding (see paras. 34-38 above).

58. Amica, an NGO, is active in Bosnia on women's issues at Tuzla and Zenica. Medika, a German NGO, is engaged in tracing victims of rape and providing housing and specialized care, particularly to those who have borne children and suffered rejection by their families. Norwegian People's Aid, noted in paragraph 35 with respect to projects carried out under the direction of UNHCR, supports at least eight local projects concerned with raped and abused women, such as the Women's Centre at Zagreb and the Medical Centre for Human Rights, which provides mobile psycho-social health teams to work in Croatia and Bosnia and Herzegovina aimed at assisting victims of sexual violence. Other NGOs continue the work of documenting and investigating cases such as the Centre for Human Rights (a member of the International Society for Human Rights) at Medugorje.

59. The following information concerns projects specifically funded by Governments and is by no means exhaustive. Because of severe time constraints it was not possible to contact all States concerning their support of programmes to assist raped and abused women and the references made here are merely an indicator of the type of work being undertaken.

60. The contribution of the Government of Denmark to projects in the region includes the financial support of social programmes at Tuzla and Zenica that are implemented by the Danish Refugee Council and the Danish branch of Save the Children Fund. These projects include activity centres for female refugees where they may learn skills and receive psycho-social support. Denmark has provided the necessary finance for two Danish psychologists to be attached to the European Community Task Force psycho-social project concerning women and victims of torture, and has also financed psycho-social projects at Jablanica.

61. The Government of Sweden has funded projects in this area such as one organized by a non-governmental organization known as "Kvinna Till Kvinna" (Women to Women) which operated at Mostar and Zagreb. This caters for women suffering from traumatic war experiences in general, including raped and abused women. The Government of the United Kingdom has provided considerable financial support to Marie Stopes International (see para. 35). The Government of the Netherlands has also helped finance the work of this organization, as well as other initiatives such as the Medical Centre for Human Rights at Zagreb. The Government of Germany supported a series of projects, mainly at Tuzla, Zenica and Mostar, that provided assistance to raped and abused women, amongst other activities.

## IV. CONCLUDING REMARKS

62. Reports of rape and sexual violence constituting violations of international humanitarian law continue to be received, although to a lesser extent than earlier in the conflict. However, the international community needs to remain ever vigilant to ensure that the sexual atrocities against women, children and men do not reoccur on the scale reported in 1992 and 1993.

63. It is difficult to assess the actual numbers of individuals who suffered rape or sexual abuse; victims are often reluctant to report such experiences owing to social stigma and fear of reprisals. Available information indicates that rape has been committed by all sides to the conflict. However, the largest number of reported victims have been Bosnian Muslims, and the largest number of alleged perpetrators have been Bosnian Serbs. There are few reports of rape and sexual assault among members of the same ethnic group.

64. The many initiatives being undertaken by the international community to address this problem indicate the degree of seriousness and concern with which these abuses are viewed.

65. The international community has responded to the need to investigate these acts through the activities of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, the Commission of Experts established pursuant to Security Council resolution 780 (1992), and the International Tribunal for the former Yugoslavia. The activities of these bodies have been assisted by the work of many NGOS.

66. Equally, the international community has sought to meet the physical and psychological rehabilitation needs of victims through the extensive action being undertaken by the European Community Task Force, UNESCO, UNHCR, UNICEF and WHO, as well as many local and international NGOs.

67. Whilst there are many initiatives under way in this area, it is not possible to assess their effectiveness in reaching and assisting victims of rape and sexual abuse. First, it is not possible to establish the overall number of victims. Secondly, it is not possible to estimate how many are being assisted by rehabilitation projects, since many of the programmes do not explicitly target such caseloads or, in the interests of confidentiality do not keep records on them, in view of the sensitive nature of the problem. Finally, even in cases where victims are being assisted, it is not possible to assess how much they are being helped at a personal level.

68. The activities being undertaken by the international community are to be welcomed but caution must be exercised in assuming that the needs of the victims are being adequately met. It is therefore hoped that the international community will continue to devote attention to this problem.

## Notes

1/ S/1994/674, annex, sect. II J, para. 109.

2/ S/1994/674, annex, sect. IV F, para. 313.

3/ E/CN.4/1994/4, para. 7.

4/ A/49/641-S/1994/1252, para. 11.

5/ A/49/641-S/1994/1252, para. 11.

5/ A/49/641-S/1994/1252, paras. 21, 4.

6/ A/49/641-S/1994/1252, para. 79.

7/ E/CN.4/1995/57, para. 19.

8/ E/CN.4/1995/62, para. 15.

9/ E/CN.4/1995/3, para. 8.

10/ E/CN.4/1995/42.

11/ E/CN.4/Sub.2/AC.2/1995/4 and E/CN.4/Sub.2/AC.2/1995/5.

12/ CEDAW/C/YUG/SP.1.

13/ CEDAW/C/CRO/SP.1.

14/ CEDAW/C/1995/3/Add.3.

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